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Notice of Allowability	Application No.	Applicant(s)	
	09/682,516	SOMMERS ET AL.	
	Examiner	Art Unit	
	Hargobind S. Sawhney	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on May 9, 2005 and the amendment filed on 1/10/05.
2. ☒ The allowed claim(s) is/are 1-9, 12-14 and 16-19.
3. ☒ The drawings filed on 13 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. The appeal brief filed on May 9, 2005 has been entered.
2. Based on the review of the brief appeal and further examination, applications arguments were found convincing. Therefore, the previous advisory mailed on February 7, 2005 has been withdrawn, and the amendment after final filed January 10, 2005 has been entered. Accordingly:

- Claims 1, 12, 16 and 17 have been amended; and
- Claims 10, 11 and 15 have been cancelled.

Allowable Subject Matter

3. Claims 1-9, 12-14 and 16-19 are allowed.

The prior art of record, including Tung (US Patent No.: 5,842,297) in view of Tokunaga (US Patent No.: 5,375,043) and Tarne et al. (US Patent No.: 6,443,582 B1), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a lighting apparatus combining:

- a curved surface disposed within a wave guide, and the curved surface including discrete microstructures reflecting localized light events as recited in Claim 1;
- an arcuate bottom surface disposed within a wave guide, and the curved surface including discrete microstructures reflecting localized light events as recited in Claim 12; and

- a curved bottom surface disposed within a wave-guide, and the curved surface including discrete microstructures reflecting localized light events as recited in Claim 16.

The above-indicated combination, including a wave light guide having curved bottom surface bearing discrete microstructures reflecting light in localized areas, makes this disclosure unique.

Tung ('297) discloses a lighting apparatus comprising a wave-guide having a plane bottom surface with discrete microstructures reflecting light in localized areas. However, Tung ('297) does not teach the bottom surface of the wave-guide being arcuated. Similarly, neither combined nor individual teaching of Tarne et al. (582 B1) and Tokunaga ('043) teaches the claimed a curved surface disposed within a wave-guide, and the curved surface including discrete microstructures reflecting localized light events.

Therefore, neither combined nor individual teaching of Tung ('297), Tarne et al. (582 B1) and Tokunaga ('043) meets the limitations of claims 1, 12 and 16.

Therefore, claims 1, 12 and 16 are allowed over prior art.

Claims 2-9 are necessarily allowed because of their dependency on the allowed Claim 1.

Claims 13 and 14 are necessarily allowed because of their dependency on the allowed Claim 12.

Claims 18 and 19 necessarily allowed because of their dependency on the allowed Claim 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

7/18/05


Stephen Husar
Primary Examiner